

Chapter 14.20

ENCROACHMENTS AND OBSTRUCTIONS

Sections:

- 14.20.010 Encroachments prohibited.**
- 14.20.015 Temporary closure of highway without permit prohibited.**
- 14.20.020 Conformance to grade required.**
- 14.20.030 Improvements on or near sidewalk or curb ramp.**
- 14.20.040 Obstructing traffic on sidewalk, curb ramp or highway prohibited.**
- 14.20.050 Unattended animals on highway prohibited.**
- 14.20.060 Impoundment of animals.**
- 14.20.070 Removal of unlawful installations.**
- 14.20.080 Advertising—Permit required.**
- 14.20.090 Confining and securing loads on vehicles required.**
- 14.20.100 Water upon highway prohibited.**
- 14.20.105 Placing snow upon highway prohibited.**
- 14.20.110 Encroachments deemed obstructions.**
- 14.20.120 Revocable license for certain pre-incorporation encroachments.**

14.20.010 Encroachments prohibited.

It is unlawful to extend or construct any sidewalks or curb ramps so as to encroach upon any highway, nearer to the center thereof than the curbline as designated in this title, or to encroach upon any sidewalk or curb ramp with any building, fence, wall, post or other obstruction nearer than the fence line, so as to make the sidewalk narrower than the widths approved by the department.

14.20.015 Temporary closing of highway without permit prohibited.

A. It is unlawful to fully or partially close one or more traffic lanes of any highway in

the city in connection with any excavation, maintenance, or for any other purpose, except as permitted by and in accordance with the city's ordinances and regulations.

B. Except as otherwise provided in this code, any person desiring to temporarily close any portion of a highway within the city shall first make application for a closure permit. Such application shall be filed with the department on a form to be furnished by the city. Permits shall not be transferable or assignable. Each permit application shall state the starting date and estimated ending date. The permit shall be valid only for the time period specified in the permit.

C. No person shall be eligible to apply for or receive permits to do work on the city's highways, save and except the following:

1. Contractors licensed by the state as general contractors;
2. Public utility companies;
3. Property owners installing, replacing, or maintaining less than five hundred square feet or one hundred linear feet of sidewalk, curb, and gutter, or driveway approach, or other work approved by the department, upon a portion of the public way adjacent to their residence; or
4. Persons offering a service which requires occupation of the public way, such as scaffold or staging, staging of a crane, installation or maintenance of electric signs, glass, awnings, and painting or cleaning of buildings or sign boards or other structures.

D. The city may deny the issuance of a permit when, in the city's reasonable judgment, the requested closure is unnecessary. The city also may designate the time and date of any requested closure as necessary to reduce the adverse impact of such closure on public use of the highway. In approving or disapproving closure of any highway, the department shall act in such manner as to preserve and protect the city's highways and the public use thereof.

E. It shall be unlawful for any person to fully or partially close any portion of a high-

way in the city until the department has approved the application, the applicant has paid any closure fee required by chapter 3.16 or any other provisions of this code, and until a closure permit has been issued by the department, except as specifically otherwise approved in this code.

F. The disapproval or denial of an application by the department or other designee appointed by the city may be appealed by the applicant to the city council or its designee by filing of a written notice of appeal within ten days after the date of the denial. The city council or its designee may hear such appeal, if written request therefor be timely filed as soon as practicable, and render a decision within a reasonable time following such appeal.

G. A closure permit is not required for a city, county, state, federal, or other government employee to perform routine maintenance work, not involving excavations.

H. Any person maintaining pipes, lines, or facilities in the public way may temporarily close, without a permit, such portion of a highway as reasonably may be necessary when emergency circumstances demand such closure; provided a permit could not reasonably and practicably have been obtained beforehand. If an emergency closure of a highway occurs during regular business hours, the department shall be notified within one-half hour after the time the closure is commenced. If an emergency closure of a highway occurs after regular business hours, then the department shall be notified during the first hour of the next day that the city offices are open for business. The person conducting such closure shall take all necessary safety precautions for the protection of the public and the direction and control of traffic, and shall insure that such closure and any attendant work in the public way is accomplished according to the traffic barricade manual and other applicable laws, regulations, or generally recognized practices in the industry.

I. Any person undertaking an emergency closure of all or part of a highway shall apply for a permit as soon as possible after such closure commences, but no later than during the first hour of the first regular business day on which city offices are open for business after such closure is commenced. In the department's discretion, a permit for such emergency closure may be issued retroactively to the date when the closure commenced.

14.20.020 Conformance to grade required.

It is unlawful to lay, build or construct any sidewalk upon any highway in the city where the grade has been fixed by order of the city, except in accordance with such grade, or to lay, build or construct any permanent pavement or sidewalk, except upon specifications furnished by the department or its designee in accordance with such fixed grade; and it is the duty of the department to keep records, plats or maps showing the grades as fixed, for reference, and for furnishing specifications therefrom, the fee provided by law to be charged for such specifications and to be paid into the city treasury.

14.20.030 Improvements on or near sidewalk or curb ramp.

It is unlawful for any person to construct, place, keep or maintain upon or across any sidewalk or curb ramp in the city any porch, platform or other structure, except as the grade thereof, or any flume, pipe or structure, except at or below the grade thereof. Where any platform, porch, flume, pipe or structure is below the grade, it shall be covered to grade; and such platform, porch, flume, pipe, or structure shall be kept in good repair by the party in whose interest it is constructed or used, so as not to be dangerous to pedestrians or an obstruction to the safe and ordinary use of the sidewalk or curb ramp.

14.20.040 Obstructing traffic on sidewalk, curb ramp or highway prohibited.

A. It is unlawful to construct, place, keep or maintain upon or across any sidewalk, curb ramp or highway in the city any open ditch, flume, conduit, waterway, headgate, log, building material, vehicle, railway, or other obstruction; provided, building materials, vehicles or objects may be placed temporarily in such manner on public highways as not to impede, endanger or obstruct ordinary traffic, but no such building material, vehicles or other objects shall be permitted to remain on such highway contrary to instructions from the city. It is unlawful to pile any dirt or other material, or make any other defacement on any sidewalk, curb ramp or highway so as to interfere with the ordinary use thereof.

B. It is unlawful to drive or place any vehicle, animal or other object upon or along any sidewalk, curb ramp or highway or to permit the same to remain thereon in a manner likely to impede or obstruct the ordinary use thereof.

14.20.050 Unattended animals on highway prohibited.

Every person staking, tethering, herding, grazing, pasturing, allowing to run at large, or causing to be staked, tethered, herded, grazed, pastured or allowed to run at large, any horse, cow, mule, sheep, goat, swine or other animal upon any of the public highways of the city shall be guilty of a misdemeanor.

14.20.060 Impoundment of animals.

It is the duty of animal control to take into its custody any horse, cow, mule, sheep, goat, swine or other animal found by him staked, tethered, herded, pastured or running at large upon any of the public highways of the city, and to deliver such animal to the city's animal control officials. Those officials shall retain possession of the animal until the costs of capturing, transporting and maintaining the animal are paid in full.

14.20.070 Removal of unlawful installations.

It is unlawful for any person to place, construct or maintain any approach, road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign or any other structure or object of any kind or character within the right-of-way of any city road without complying with the regulations of the department, which may:

A. Remove such installation from the right-of-way or require such person to remove the same; or

B. Give written notice to such person to remove the installation from the right-of-way. The notice may be served either by personal service or by mailing the notice to the person by registered mail and posting a copy thereof on the installation for a period of ten days. If the installation is not removed within ten days after the notice is complete, the department may remove the same and recover costs and expenses, and also the sum of \$10 for each day the same remained within the right-of-way after notice was complete, in an action for that purpose; or

C. Bring an action to abate the same as a nuisance if such person disputes or denies the existence of such installation or refuses to remove or permit its removal. If judgment is recovered by the department, there shall also be recovered, in addition to having the same abated, the costs of action and the sum of \$10 for every day such nuisance remained within the right-of-way after notice was given for its removal.

14.20.080 Advertising—Permit required.

It is unlawful for any person to place any form of advertising upon any part of the public domain in the city, or along any city highway within 300 feet of such highway, except upon land in private ownership situated along such highway (subject to the other requirements of this code), without first receiving a permit to do so from the department, subject to the approval of the city.

14.20.090 Confining and securing loads on vehicles required.

A. No vehicle shall be driven or moved on any city highway unless so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom, except that reasonable amounts of sand, salt or other abrasives may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway for cleaning or maintaining such roadway.

B. No person shall operate on a public highway any vehicle with a load unless the load and any covering thereon is suitably fastened, secured and confined according to the nature of the load so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

14.20.100 Water upon highway prohibited.

It is unlawful for any users of water from any ditch, stream or well to willfully or carelessly permit the same to run upon any city highway in such a manner as to damage or interfere with the proper use of same, or to cause pools of water to stand thereon, or to cause anything to be placed or left upon such highway so as to obstruct travel or to endanger property or persons upon the same.

14.20.105 Placing snow upon highway prohibited.

It is unlawful for any person removing snow, ice or other material from a sidewalk or driveway to place or deposit said snow, ice or other material upon any city road or highway in such a manner as to interfere with the proper use of the same or so as to obstruct travel or to endanger property or persons upon the same.

14.20.110 Encroachments deemed obstructions.

It is the duty of the department to treat as

obstructions to public highways all encroachments declared by the terms of this chapter to be unlawful.

14.20.120 Revocable license for certain pre-incorporation encroachments.

The city council may, but is not obligated, to grant a revocable license for the maintenance on a public highway of an encroachment or obstruction otherwise declared by the terms of this chapter to be unlawful, provided that (a) the encroachment or obstruction has continually existed in substantially its current state since on or prior to the city's incorporation; and (b) the city council determines, in its sole discretion, that such encroachment or obstruction does not constitute an immediate danger to public health or safety; and (c) the city's grant of such revocable license is effected only by a written license agreement in such form as the city council may from time to time specify by ordinance or by resolution; and (d) the written license agreement is executed and delivered to the city by the owner of the encroachment or obstruction and by all owner(s) of fee title to, or leasehold interests in, the private real property to which the encroachment or obstruction relates; and (e) the written license agreement thereafter is recorded in the office of the Salt Lake County Recorder as an issue affecting title to the private real property to which the encroachment or obstruction relates.